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**TO:** Mr. Yoshikazu Tani  
Tani & Abe

**FROM:** Anthony M. Zupcic

**RE:** U.S. Patent Application No. 09/769,323  
Attorney Docket No. 01272.020422

**FAX NO.:** 703-872-9306

**DATE:** December 19, 2003

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December 19, 2003

VIA FACSIMILE

Mr. Yoshikazu Tani  
Tani & Abe  
No. 6-20, Akasaka 2-chome  
Minato-ku Tokyo 107-0052, Japan

Re: U.S. Patent Appln. No. 09/769,323  
Your Ref.: CFC 442 US

Dear Mr. Tani:


Further to our letter of December 18, 2003, we attach a Request for Withdrawal of Office Action Dated October 7, 2003 and for Issuance of a New Office Action, which we faxed to the Examiner and Supervising Examiner responsible for the above-identified application.

We will keep you advised of any further developments in this application, and will attempt to ensure that the matter is resolved prior to the due date of January 7, 2004.

Very truly yours,

FITZPATRICK, CELLA, HARPER & SCINTO

By: \_\_\_\_\_

  
Anthony M. Zupcic

AMZ/pgt  
Attachment

NY\_MAIN 396988v1

01272.020442

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YOSHIO UCHIKATA

Application No.: 09/769,323

Filed: January 26, 2001

For: PRINTING APPARATUS AND  
CARRIAGE SCAN DRIVING  
METHOD

Examiner: C.H. Nolan, Jr.

Group Art Unit: 2854

December 19, 2003

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**OFFICIAL**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450REQUEST FOR WITHDRAWAL OF OFFICE ACTION  
DATED OCTOBER 7, 2003 AND FOR ISSUANCE OF A NEW OFFICE ACTION

Sir:

Applicant respectfully requests withdrawal of the Office Action dated October 7, 2003 and issuance of a new Office Action. Applicant submits that the Office Action, which is dated October 7, 2003, was apparently issued by mistake. That is, the October 7 Office Action is a substantial duplicate of an earlier Office Action dated January 16, 2002, which Applicant responded to in its Amendment dated May 16, 2002.

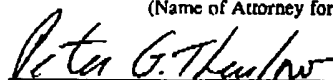
I hereby certify that this correspondence is being facsimile transmitted  
to the Patent and Trademark Office (Fax No. (703) 872-9306) on

December 19, 2003

(Date of Transmission)

PETER G. THURLOW Reg. No. 47,138

(Name of Attorney for Applicant)



Signature

December 19, 2003

Date of Signature

Applicant submits that the October 7, 2003 was erroneously issued because it contains the same objections and rejections included in the January 16, 2002 Office Action, including, for example, objections to the Specification, which objections were overcome in a response to the above-mentioned January 16 Office Action. In that response an entire Substitute Specification was submitted to the Office, making the changes requested in the Office Action and additional changes as well.

Similarly, the claim rejections in the October 7 Office Action are the same as those in the January 16 Office Action notwithstanding the fact that those rejections had apparently been withdrawn as evidenced by the terms of the Office Action dated September 17, 2002.

One of Applicant's attorneys reviewed, by telephone on December 18, 2003, these points with Examiner Nolan, and he requested that a response be submitted to the Office indicating why we believe the October 7, 2003 Office Action was erroneously issued. Applicant's attorney also reviewed, by telephone on December 19, 2003, these points with Supervising Examiner Hirshfeld, and informed him that we would be submitting this paper to the Office.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

Peter G. Thustow  
Attorney for Applicant

Registration No. 47,138

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